

APPEAL, CLOSED

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-10644-MEL**

Mellen v. Trustees of Boston University et al  
Assigned to: Senior Judge Morris E. Lasker  
Cause: Family and Medical Leave Act of 1993

Date Filed: 04/02/2004  
Jury Demand: Both  
Nature of Suit: 790 Labor: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Linda Mellen**

represented by **Harry C. Beach**  
Law Offices of Harry C. Beach  
30 Walpole Street  
Norwood, MA 02062  
781-255-5573  
Fax: 781-769-6989  
Email: HBeach@HarryBeach.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Trustees of Boston University**

represented by **Crystal D. Talley**  
Boston University  
125 Bay State Rd.  
Boston, MA 02215  
617-353-2326  
Fax: 617-353-5529  
Email: ctalley@bu.edu  
**ATTORNEY TO BE NOTICED**

**Lawrence S. Elswit**  
Boston University  
125 Bay State Road  
Boston, MA 02215  
617-353-2326  
Fax: 617-353-5529  
Email: lelswit@bu.edu  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Frances A. Drolette**

represented by **Crystal D. Talley**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Lawrence S. Elswit**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Mediator**

**Judith G. Dein**  
**TERMINATED: 05/31/2006**

Date Filed	#	Docket Text
04/02/2004	<a href="#">1</a>	COMPLAINT Filing fee: \$ 150, receipt number 54969, filed by Linda Mellen.(Abaid, Kim) (Entered: 04/05/2004)
04/02/2004	<a href="#">2</a>	Summons Issued as to Frances A. Drolette, Trustees of Boston University. (Abaid, Kim) (Entered: 04/05/2004)
04/02/2004	<a href="#">3</a>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Abaid, Kim) (Entered: 04/05/2004)
04/09/2004	<a href="#">2</a>	Judge Joseph L. Tauro : ORDER entered ORDER OF RECUSAL. (Abaid, Kim) (Entered: 04/13/2004)
04/16/2004	<a href="#">3</a>	Judge Joseph L. Tauro : ORDER entered ORDER REASSIGNING CASE. Case reassigned to Judge Morris E. Lasker for all further proceedings. Judge Joseph L. Tauro no longer assigned to case Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. (Howarth, George) (Entered: 04/16/2004)
05/19/2004	<a href="#">4</a>	WAIVER OF SERVICE Returned Executed Trustees of Boston University waiver sent on 4/26/2004, answer due 6/25/2004. (Howarth, George) (Entered: 05/27/2004)
05/19/2004	<a href="#">5</a>	WAIVER OF SERVICE Returned Executed Frances A. Drolette waiver sent on 4/26/2004, answer due 6/25/2004. (Howarth, George) (Entered: 05/27/2004)
06/24/2004	<a href="#">6</a>	ANSWER to Complaint with Jury Demand by Trustees of Boston University.(Elswit, Lawrence) (Entered: 06/24/2004)
08/23/2004	<a href="#">7</a>	Assented to MOTION to Amend <i>Answer</i> by Trustees of Boston University. (Attachments: # <a href="#">1</a> Exhibit Amended Answer)(Elswit, Lawrence) (Entered: 08/23/2004)
08/26/2004	<a href="#">8</a>	Judge Morris E. Lasker : ELECTRONIC ORDER entered granting <a href="#">7</a> Motion to Amend Answer (Howarth, George) (Entered: 08/27/2004)
08/27/2004	<a href="#">8</a>	AMENDEDE ANSWER to Complaint with JURY DEMAND by Frances A. Drolette, Trustees of Boston University.(Howarth, George) (Entered: 08/27/2004)
09/10/2004	<a href="#">9</a>	NOTICE of Scheduling Conference Scheduling Conference set for 10/25/2004 02:15 PM in Courtroom 8 before Morris E. Lasker.

		(Howarth, George) (Entered: 09/10/2004)
10/18/2004	<a href="#"><u>10</u></a>	CERTIFICATION pursuant to Local Rule 16.1 by Frances A. Drolette, Linda Mellen, Trustees of Boston University.(Howarth, George) (Entered: 10/25/2004)
10/28/2004	<a href="#"><u>9</u></a>	ELECTRONIC Clerk's Notes for proceedings held before Judge Morris E. Lasker : Scheduling Conference held on 10/28/2004. Court adopts scheduling order as proposed. (Court Reporter none.) (Howarth, George) (Entered: 10/28/2004)
05/17/2005	<a href="#"><u>11</u></a>	STIPULATION of parties by Linda Mellen, Trustees of Boston University, Frances A. Drolette regarding schedule for discovery, and for dispositive motions and related oppositions. (Howarth, George) (Entered: 05/24/2005)
06/29/2005	<a href="#"><u>12</u></a>	MOTION to Compel Production of documents from defendant university. by Linda Mellen.(Howarth, George) (Entered: 07/07/2005)
06/29/2005	<a href="#"><u>13</u></a>	MEMORANDUM in Support re <a href="#"><u>12</u></a> MOTION to Compel filed by Linda Mellen. (Attachments: # <a href="#"><u>1</u></a> Exhibit 1# <a href="#"><u>2</u></a> Exhibit 2# <a href="#"><u>3</u></a> Exhibit 3)(Howarth, George) (Entered: 07/07/2005)
07/22/2005	<a href="#"><u>14</u></a>	Opposition re <a href="#"><u>12</u></a> MOTION to Compel filed by Trustees of Boston University. (Attachments: # <a href="#"><u>1</u></a> Exhibit)(Elswit, Lawrence) (Entered: 07/22/2005)
07/27/2005	<a href="#"><u>15</u></a>	MOTION for Leave to File a reply to defts' opposition to plt's motion. by Linda Mellen.(Howarth, George) (Entered: 08/01/2005)
08/19/2005	<a href="#"><u>14</u></a>	Judge Morris E. Lasker : ORDER entered granting <a href="#"><u>15</u></a> Motion for Leave to File reply brief (Howarth, George) (Entered: 08/22/2005)
08/22/2005	<a href="#"><u>16</u></a>	REPLY to Response to Motion re <a href="#"><u>12</u></a> MOTION to Compel filed by Linda Mellen. (Attachments: # <a href="#"><u>1</u></a> Exhibit 1)(Howarth, George) (Entered: 08/22/2005)
08/23/2005	<a href="#"><u>15</u></a>	Judge Morris E. Lasker : ORDER entered, as no opposition having been filed. granting, <a href="#"><u>12</u></a> Motion to Compel (Howarth, George) (Entered: 08/26/2005)
08/24/2005	<a href="#"><u>17</u></a>	MOTION for Summary Judgment by Trustees of Boston University. (Elswit, Lawrence) (Entered: 08/24/2005)
08/24/2005	<a href="#"><u>18</u></a>	MEMORANDUM in Support re <a href="#"><u>17</u></a> MOTION for Summary Judgment filed by Trustees of Boston University. (Elswit, Lawrence) (Entered: 08/24/2005)
08/24/2005	<a href="#"><u>19</u></a>	ADDENDUM re <a href="#"><u>17</u></a> MOTION for Summary Judgment <i>Statement of Undisputed Material Facts</i> filed by Trustees of Boston University. (Elswit, Lawrence) (Entered: 08/24/2005)
08/24/2005	<a href="#"><u>20</u></a>	MOTION for Summary Judgment (Liability) by Linda Mellen.(Howarth, George) (Entered: 08/25/2005)



08/24/2005	21	STATEMENT of facts re 20 MOTION for Summary Judgment (Liability). (Howarth, George) (Entered: 08/25/2005)
08/24/2005	22	MOTION for Leave to File Excess Pages by Linda Mellen.(Howarth, George) (Entered: 08/25/2005)
08/24/2005	23	EXHIBITS 1 THRU 21(Not Scanned) re 20 MOTION for Summary Judgment by Linda Mellen. (Howarth, George) (Entered: 08/25/2005)
08/25/2005	24	LR 56.1 STATEMENT of Undisputed Material Facts. filed by defendants'( Not Scanned-Bound )(Howarth, George) (Entered: 08/29/2005)
08/26/2005		Notice of correction to docket made by Court staff. The granting of docket no.12 was made in error and will be corrected. (Howarth, George) (Entered: 08/26/2005)
09/13/2005		NOTICE of Hearing on Motion to Compel by pltf. Hearing is set for September 27,2005 at 2:15 p.m. (Howarth, George) (Entered: 09/13/2005)
09/14/2005		NOTICE OF RESCHEDULING of Motion Hearing set for September 27, 2005,at 2:15 p.m..Motion Hearing is now set for 9/27/2005 11:00 AM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) Modified on 9/14/2005 (Howarth, George). (Entered: 09/14/2005)
09/19/2005		NOTICE re The Hearing on September 27, 2005 will cover the pltf's motion to compel, as well as the deft's motion for summary judgment and pltf's motion for summary judgment. (Howarth, George) (Entered: 09/19/2005)
09/20/2005		NOTICE OF RESCHEDULING The Motion Hearing set for September 27, 2005, The MotionHearing is now set for 10/17/2005 02:00 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 09/20/2005)
10/14/2005	25	Opposition re 20 MOTION for Summary Judgment filed by Trustees of Boston University, Frances A. Drolette. (Talley, Crystal) (Entered: 10/14/2005)
10/14/2005	26	RESPONSE to Motion re 20 MOTION for Summary Judgment <i>Plaintiff's Statement of Undisputed Material Facts</i> filed by Trustees of Boston University, Frances A. Drolette. (Attachments: # 1 Exhibit Defendants' Exhibit 30# 2 Exhibit Defendants' Exhibit 31# 3 Exhibit Defendants' Exhibit 32)(Talley, Crystal) (Entered: 10/14/2005)
10/14/2005	27	STATEMENT of Disputed Material facts Warranting Denial of Defts' Motion for Summary Judgment. (Howarth, George) (Entered: 10/17/2005)
10/14/2005	28	MEMORANDUM in Opposition re 17 MOTION for Summary Judgment filed by Linda Mellen. (Howarth, George) (Entered: 10/17/2005)
10/14/2005	29	PLAINTIFF'S AFFIDAVIT in Opposition re 21 Statement of Undisputed

		Material Facts. (Howarth, George) (Entered: 10/17/2005)
10/17/2005	●	Electronic Clerk's Notes for proceedings held before Judge Morris E. Lasker : Motion Hearing held on 10/17/2005 re <u>20</u> MOTION for Summary Judgment filed by Linda Mellen,, <u>17</u> MOTION for Summary Judgment filed by Trustees of Boston University,, Court hears arguments from both sides on their motion for summary judgments. Motions taken under advisement. (Court Reporter none.) (Howarth, George) (Entered: 10/18/2005)
10/18/2005	● <u>30</u>	NOTICE of Appearance by Crystal D. Talley on behalf of Trustees of Boston University, Frances A. Drolette (Talley, Crystal) (Entered: 10/18/2005)
10/19/2005	●	Judge Morris E. Lasker : Electronic ORDER entered.Granted re <u>12</u> MOTION to Compel Production of documents from deft.niversity, Request #5 filed by Linda Mellen, (Howarth, George) (Entered: 10/21/2005)
10/19/2005	● <u>31</u>	Judge Morris E. Lasker : ORDER entered granting in part and denying in part <u>17</u> Motion for Summary Judgment, denying <u>20</u> Motion for Summary Judgment. Fof Full Docket Text See Docket entry No. [ 31] (Howarth, George) (Entered: 10/21/2005)
10/25/2005	● <u>32</u>	MOTION for Reconsideration re <u>31</u> Order on Motion for Summary Judgment, by Linda Mellen.(Howarth, George) (Entered: 10/27/2005)
10/25/2005	● <u>33</u>	MEMORANDUM in Support re <u>32</u> MOTION for Reconsideration re <u>31</u> Order on Motion for Summary Judgment, filed by Linda Mellen. (Howarth, George) (Entered: 10/27/2005)
11/03/2005	● <u>34</u>	Opposition re <u>32</u> MOTION for Reconsideration re <u>31</u> Order on Motion for Summary Judgment, filed by Trustees of Boston University, Frances A. Drolette. (Talley, Crystal) (Entered: 11/03/2005)
12/01/2005	● <u>35</u>	Judge Morris E. Lasker : ORDER entered denying <u>32</u> Motion for Reconsideration re <u>32</u> MOTION for Reconsideration re <u>31</u> Order on Motion for Summary Judgment, filed by Linda Mellen, For Full Text see Docket No. [ 35] (Howarth, George) Modified on 12/2/2005 (Howarth, George). (Entered: 12/02/2005)
12/20/2005	● <u>36</u>	CONSENT to Alternative Dispute Resolution by Linda Mellen, Trustees of Boston University, Frances A. Drolette (Talley, Crystal) (Entered: 12/20/2005)
12/22/2005	● <u>37</u>	Judge Morris E. Lasker : ORDER entered. REFERRING CASE to Alternative Dispute Resolution.(Howarth, George) (Entered: 12/22/2005)
12/27/2005	●	Judge Morris E. Lasker : Electronic ORDER entered granting <u>22</u> Motion for Leave to File Excess Pages (Howarth, George) (Entered: 12/27/2005)
01/19/2006	●	Electronic Notice of assignment to ADR Provider. Magistrate Judge Judith G. Dein appointed. The Court will contact counsel with regard to scheduling.(Tyler, Rebecca) (Entered: 01/19/2006)

01/24/2006	38	NOTICE of ADR Conference Alternative Dispute Resolution Hearing set for 3/20/2006 10:00 AM in Courtroom 15 before Magistrate Judge Judith G. Dein.(Dambrosio, Jolyne) (Entered: 01/24/2006)
02/21/2006	39	MOTION to Compel defendant's production of unredacted documents, for leave to conduct further discovery regarding such documents, and for the award of costs. by Linda Mellen.(Howarth, George) (Entered: 02/23/2006)
02/21/2006	40	MEMORANDUM in Support re 39 MOTION to Compel filed by Linda Mellen. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7)(Howarth, George) (Entered: 02/23/2006)
03/03/2006	41	Opposition re 39 MOTION to Compel filed by Trustees of Boston University, Frances A. Drolette. (Attachments: # 1 Exhibit To Opposition to Motion to Compel)(Talley, Crystal) (Entered: 03/03/2006)
03/20/2006	42	REPORT of Alternative Dispute Resolution Provider. (Dambrosio, Jolyne) (Entered: 03/20/2006)
05/31/2006	43	FURTHER REPORT of Alternative Dispute Resolution Provider. (Dambrosio, Jolyne) (Entered: 05/31/2006)
06/01/2006		ELECTRONIC NOTICE of Hearing : Status Conference set for 6/27/2006 10:30 AM in Courtroom 8 before Senior Judge Morris E. Lasker. (Howarth, George) (Entered: 06/01/2006)
06/27/2006		ElectronicClerk's Notes for proceedings held before Judge Morris E. Lasker : Status Conference held on 6/27/2006. The status of the case is reviewed. The Court awaits the draft order from counsel as to the additional parties whose names will be disclosed. Trial is set for September 25, 2006 at 9:00 a.m. and pretrial papers are to be filed 2 weeks prior. (Court Reporter none.) (Howarth, George) (Entered: 07/06/2006)
07/06/2006		ELECTRONIC NOTICE of Hearing : Final Pretrial Conference set for 9/21/2006 02:30 PM in Courtroom 8 before Senior Judge Morris E. Lasker. Jury Trial set for 9/25/2006 09:00 AM in Courtroom 8 before Senior Judge Morris E. Lasker. (Howarth, George) (Entered: 07/06/2006)
07/18/2006	44	Letter/request (non-motion) from Crystal D. Talley. (Talley, Crystal) (Entered: 07/18/2006)
07/18/2006	45	Proposed Document(s) submitted by Linda Mellen, Trustees of Boston University, Frances A. Drolette. Document received: Proposed Order. (Talley, Crystal) (Entered: 07/18/2006)
07/18/2006	46	Joint MOTION to Continue Trial Date by all parties.(Elswit, Lawrence) (Entered: 07/18/2006)
07/20/2006		Judge Morris E. Lasker : Electronic ORDER entered granting 46 Motion to Continue which was set for September 25, 2006;The Jury Trial is now set for 12/11/2006 09:00 AM in Courtroom 8 before Senior Judge Morris



		E. Lasker. (Howarth, George) (Entered: 07/21/2006)
07/21/2006	●	ELECTRONIC NOTICE of Hearing : Jury Trial set for 12/11/2006 09:00 AM in Courtroom 8 before Senior Judge Morris E. Lasker. Pretrial Conference set for 12/7/2006 02:15 PM in Courtroom 8 before Senior Judge Morris E. Lasker. (Howarth, George) (Entered: 07/21/2006)
07/26/2006	●47	Judge Morris E. Lasker : ORDER entered. on Plaintiff's further motion to Compel Production of documents.For Full Text see docket no.47 (Howarth, George) (Entered: 07/28/2006)
08/08/2006	●48	Letter to the Court regarding information received from Ms. Talley's office regarding the case of Mellen V. trustees of Boston University. (Howarth, George) Additional attachment(s) added on 8/10/2006 (Howarth, George). Modified on 8/10/2006 (Howarth, George). (Entered: 08/09/2006)
08/10/2006	●	Notice of correction to docket made by Court staff. Correction: Docket No.48 corrected because: Removed Image per Request (Howarth, George) (Entered: 08/10/2006)
09/07/2006	●49	MOTION to Quash <i>Subpoena and for Entry of Protective Order</i> by Trustees of Boston University, Frances A. Drolette.(Talley, Crystal) (Entered: 09/07/2006)
09/07/2006	●50	MEMORANDUM in Support re 49 MOTION to Quash <i>Subpoena and for Entry of Protective Order</i> filed by Trustees of Boston University, Frances A. Drolette. (Attachments: # 1 Exhibit to Memorandum in Support of Motion to Quash)(Talley, Crystal) (Entered: 09/07/2006)
09/21/2006	●51	MEMORANDUM in Opposition re 49 MOTION to Quash <i>Subpoena and for Entry of Protective Order</i> filed by Linda Mellen. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10) (Howarth, George) (Entered: 09/26/2006)
09/26/2006	●52	MOTION for Leave to File <i>Reply in Support of Motion To Quash</i> by Trustees of Boston University, Frances A. Drolette. (Attachments: # 1 Reply in Support of Motion To Quash)(Talley, Crystal) (Entered: 09/26/2006)
09/28/2006	●	Judge Morris E. Lasker : Electronic ORDER entered granting 52 Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Howarth, George) (Entered: 09/28/2006)
09/28/2006	●53	REPLY to Response to Motion re 49 MOTION to Quash <i>Subpoena and for Entry of Protective Order</i> filed by Trustees of Boston University, Frances A. Drolette. (Talley, Crystal) (Entered: 09/28/2006)
10/02/2006	●54	Letter/request (non-motion) from Crystal D. Talley <i>Noting Correction to Reply re Motion To Quash.</i> (Talley, Crystal) (Entered: 10/02/2006)

10/03/2006	<a href="#"><u>55</u></a>	MOTION for Reconsideration re Order on Motion for Leave to File,, MOTION for Leave to File by Linda Mellen. (Attachments: # <u>1</u> Exhibit 1)(Howarth, George) (Entered: 10/04/2006)
10/04/2006	<a href="#"><u>56</u></a>	NOTICE issued to Attorney Harry C. Beach regarding mandatory use of ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. (Howarth, George) (Entered: 10/04/2006)
10/06/2006	<a href="#"><u>57</u></a>	Opposition re <u>55</u> MOTION for Reconsideration re Order on Motion for Leave to File, MOTION for Leave to File <i>Opp. to Motion for Sanctions</i> filed by Trustees of Boston University, Frances A. Drolette. (Talley, Crystal) (Entered: 10/06/2006)
10/16/2006	<a href="#"><u>58</u></a>	Judge Morris E. Lasker : Electronic ORDER entered granting <u>55</u> Motion for Reconsideration, denying Motion for sanctions. Plaintiff's response to defendant's reply is noted & accepted as part of the record. (Howarth, George) Modified on 10/17/2006 (Howarth, George). (Entered: 10/16/2006)
10/16/2006	<a href="#"><u>49</u></a>	Judge Morris E. Lasker : Electronic ORDER entered granting <u>49</u> Motion to Quash Subpoena. The plaintiff has failed to make a case for reopening discovery, and in any event the difference between the facts in the record of the instant case and the Pivacek case are such as to render material relating to the Pivacek case to be of doubtful value especially in view of the fact that discovery has been closed & the case is scheduled for early trial (Howarth, George) Modified on 10/17/2006 (Howarth, George). (Entered: 10/16/2006)
10/16/2006	<a href="#"><u>49</u></a>	Judge Morris E. Lasker : Electronic ORDER entered granting <u>49</u> Motion to Quash (Howarth, George) (Entered: 10/17/2006)
11/08/2006	<a href="#"><u>58</u></a>	Judge Morris E. Lasker : ORDER entered. PROCEDURAL ORDER re pretrial/trial Final Pretrial Conference set for 12/7/2006 02:15 PM before Senior Judge Morris E. Lasker. Jury Trial set for 12/11/2006 09:00 AM in Courtroom 8 before Senior Judge Morris E. Lasker.(Howarth, George) (Entered: 11/08/2006)
11/30/2006	<a href="#"><u>59</u></a>	STIPULATION of Dismissal <i>with Prejudice</i> by Linda Mellen, Trustees of Boston University, Frances A. Drolette. (Talley, Crystal) (Entered: 11/30/2006)
12/07/2006	<a href="#"><u>60</u></a>	Proposed Document(s) submitted by Linda Mellen, Trustees of Boston University, Frances A. Drolette. Document received: Proposed Order of Final Judgment. (Talley, Crystal) (Entered: 12/07/2006)
12/12/2006	<a href="#"><u>61</u></a>	Judge Morris E. Lasker : ORDER entered. JUDGMENT in favor of Trustees of Boston University and Frances A. Drolette against Linda Mellen(Howarth, George) (Entered: 12/12/2006)
01/09/2007	<a href="#"><u>62</u></a>	NOTICE OF APPEAL as to <u>61</u> Judgment by Linda Mellen. Filing fee \$ 455, receipt number 1362287 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at



	<a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. (Beach, Harry) (Entered: 01/09/2007)
--	---